UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/752
5 December 1994
ENGLISH
ORIGINAL: RUSSIAN

Forty-ninth session
Agenda item 94

RIGHT OF PEOPLES TO SELF-DETERMINATION

Report of the Third Committee

Rapporteur: Mr. Nikolai N. LEPESHKO (Belarus)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 93 at its 3rd to 8th, 17th, 22nd, 25th and 35th meetings, on 11, 14 and 17 October and 2, 8, 10 and 17 November 1994. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/49/SR.3-8, 17, 22, 25 and 35).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/49/402 and Add.1);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/49/362);

(c) Letter dated 15 July 1994 from the Permanent Representatives of India and the Russian Federation to the United Nations addressed to the Secretary-General (A/49/271);

(d) Letter dated 25 June 1994 from the Minister for Foreign Affairs of Egypt addressed to the Secretary-General transmitting the texts of the documents adopted by the Eleventh Ministerial Conference of the Movement of Non-Aligned Countries, held at Cairo from 31 May to 3 June 1994 (A/49/287-S/1994/894 and Corr.1);

(e) Letter dated 12 August 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General (A/49/312);

(f) Letter dated 22 August 1994 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General (A/49/331);

(g) Letter dated 5 September 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Australia to the United Nations addressed to the Secretary-General transmitting the communiqué of the Twenty-fifth South Pacific Forum, held at Brisbane, Australia, from 31 July to 2 August 1994 (A/49/381);

(h) Letter dated 17 October 1994 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the forty-ninth session of the General Assembly, held at United Nations Headquarters on 5 October 1994 (A/49/532-S/1994/1179);

(i) Letter dated 14 October 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/49/7);

(j) Letter dated 25 October 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia addressed to the Secretary-General (A/C.3/49/18).

4. At the 3rd meeting, on 11 October, the Under-Secretary-General for Policy Coordination and Sustainable Development addressed the Committee (see A/C.3/49/SR.3).

5. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a statement (see A/C.3/49/SR.3).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/49/L.4

6. At the 17th meeting, on 2 November, the representative of Pakistan, on behalf of Afghanistan, Albania, Azerbaijan, Bahrain, Bosnia and Herzegovina, Brunei Darussalam, Cape Verde, Chile, Colombia, Costa Rica, Djibouti, Egypt, El Salvador, Honduras, Iran (Islamic Republic of), Jordan, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Pakistan, Papua New Guinea, Qatar, Saudi Arabia, Sierra Leone, Singapore, Thailand and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/49/L.4). Subsequently, Guatemala and Senegal joined in sponsoring the draft resolution.

7. At its 22nd meeting, on 8 November, the Committee adopted draft resolution A/C.3/49/L.4 without a vote (see para. 25, draft resolution I).

B. Draft resolution A/C.3/49/L.5/Rev.1

8. At the 25th meeting, on 10 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Bangladesh, Brazil, Cuba, Djibouti, Egypt, the Gambia, Ghana, Guinea-Bissau, Indonesia, Jordan, Malaysia, Mali, Malta, Mauritania, Morocco, Namibia, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Tunisia, the United Arab Emirates, the United Republic of Tanzania, Yemen, Zambia, and Zimbabwe, introduced a revised draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/49/L.5/Rev.1). Subsequently, Bahrain, Kuwait and the Lao People's Democratic Republic joined in sponsoring the revised draft resolution.

9. At its 35th meeting, on 17 November, the Committee adopted revised draft resolution A/C.3/49/L.5/Rev.1 by a recorded vote of 124 to 2, with 27 abstentions (see para. 25, draft resolution II). The voting was as follows:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal,

Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Argentina, Cameroon, Costa Rica, Eritrea, Estonia, Fiji, Georgia, Guatemala, Iceland, Kenya, Kyrgyzstan, Latvia, Lithuania, Malawi, Marshall Islands, Micronesia (Federated States of), Norway, Panama, Peru, Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, South Africa, Swaziland, Uruguay, Uzbekistan.

10. Before the adoption of the revised draft resolution, statements were made by the representatives of Egypt, Israel, Norway, the United States of America and the Russian Federation (see A/C.3/49/SR.35).

11. After the adoption of the revised draft resolution, statements were made by the representatives of the Libyan Arab Jamahiriya, Argentina, Chile, Romania, Canada, Costa Rica, Liechtenstein, Germany (on behalf of the Member States of the United Nations that are members of the European Union and Austria, Finland, Norway and Sweden), Turkey, Iran (Islamic Republic of), Japan, Iraq and Hungary (see A/C.3/49/SR.35).

12. The observer for Palestine also made a statement (see A/C.3/49/SR.35).

C. Draft resolution A/C.3/49/L.6

13. At the 22nd meeting, on 8 November, the representative of Nigeria, on behalf of Cuba, India, Nigeria, the United Republic of Tanzania and Viet Nam, introduced a draft resolution entitled "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination" (A/C/3/49/L.6) and orally revised it as follows:

(a) In the penultimate line of operative paragraph 3, after the words "any State", the words "or threaten the territorial integrity of sovereign States," were inserted;

(b) In the fourth line of operative paragraph 6, after the words "to consider", the words ", within existing resources, working meetings to analyse and consider" were inserted;

(c) In the first line of operative paragraph 7, after the word "report", the words "with specific recommendations" were added.

14. Subsequently, Algeria, Egypt, Gabon, Ghana and Malaysia joined in sponsoring the draft resolution.

15. At its 35th meeting, on 17 November, the Committee adopted draft resolution A/C.3/49/L.6, as orally revised, by a recorded vote of 101 to 19, with 34 abstentions (see para. 25, draft resolution III). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Russian Federation, Saint Kitts and Nevis, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Austria, Belgium, Canada, Denmark, Finland, France, Georgia, Germany, Hungary, Iceland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Andorra, Argentina, Armenia, Australia, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Fiji, Greece, Ireland, Israel, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Malta, Marshall Islands, Micronesia (Federated States of), New Zealand, Poland, Republic of Korea, Romania, Rwanda, Samoa, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Uruguay.

16. Before the adoption of the draft resolution, statements were made by the representatives of Croatia, the United States of America and Nigeria (see A/C.3/SR.35).

17. After the adoption of the draft resolution, statements were made by the representatives of Germany (on behalf of the Member States of the United Nations that are members of the European Union and Austria, Finland, Norway and Sweden), Japan, the United Kingdom of Great Britain and Northern Ireland, Australia, Zimbabwe, Nigeria, Georgia and India (A/C.3/49/SR.35).

D. Draft resolution A/C.3/49/L.7 and Rev.1

18. At the 17th meeting, on 2 November, the representative of the Gambia, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights" (A/C.3/49/L.7), which read:

"The General Assembly,

"Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

"Reaffirming also the obligation of Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

"Recalling the Vienna Declaration and Programme of Action 1/ adopted at the World Conference on Human Rights,

"Recalling the signing of the General Peace Agreement for Mozambique 2/ at Rome on 4 October 1992, which provides for the termination of the armed conflict in that country,

"Reaffirming the national unity and territorial integrity of the Comoros,

"1. Calls upon all States to implement fully and faithfully all the relevant resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

"2. Reaffirms the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights;

"3. Calls upon those Governments which do not recognize the right to self-determination and independence of all peoples still under colonial domination, alien subjugation and foreign occupation to do so;

1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

2/ S/24635 and Corr.1, annex.

"4. Pays tribute to the Government and people of Angola for their noble contribution to the evolving climate of peace in southern Angola, and addresses its strongest appeal to the National Union for the Total Independence of Angola to undertake to commit itself to the peace process that will lead to a comprehensive settlement in Angola on the basis of the Peace Accords;

"5. Encourages both the Governments of South Africa and Angola to resolve bilaterally and to do their utmost regarding solutions to outstanding matters in accordance with the relevant resolutions and decisions of the Security Council;

"6. Calls upon the international community to continue to extend its generous support after implementation of the General Peace Agreement for Mozambique and to assist the Government of Mozambique in the establishment of lasting peace and democracy and in the promotion of an effective programme of national reconstruction in that country;

"7. Fully supports the Secretary-General in his efforts to implement the plan for the settlement of the question of Western Sahara by organizing, in cooperation with the Organization of African Unity, a referendum for the self-determination of the people of Western Sahara;

"8. Notes the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the problem of the integration of the Comorian island of Mayotte into the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on the question;

"9. Strongly condemns the continued violation of the human rights of the peoples still under colonial domination and alien subjugation;

"10. Calls for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism and racial discrimination;

"11. Reaffirms that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

"12. Demands the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human

Rights, 3/ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

"13. Expresses its appreciation for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and other intergovernmental organizations, and calls for a substantial increase in that assistance;

"14. Urges all States, the specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

"15. Decides to consider this question at its fiftieth session under the item entitled 'Right of peoples to self-determination'."

19. In introducing the draft resolution, the representative of Gambia orally revised it as follows:

(a) In operative paragraph 2, the word "imperatives" was replaced with the words "a condition";

(b) In operative paragraph 6, the words "support after implementation of the general Peace Agreement for Mozambique and to assist" were deleted and replaced with the words "financial and material support to";

(c) In operative paragraph 14, the words "colonial, foreign and racist domination" was replaced with the words "colonial and foreign domination".

20. At the 22nd meeting, on 8 November, the representative of Ghana further orally revised the draft resolution by deleting the fourth preambular paragraph and operative paragraphs 5 and 6.

21. At the same meeting, the representative of the Russian Federation further orally amended the draft resolution as follows:

(a) In operative paragraph 7, the words "in accordance with United Nations Security Council resolutions" were inserted after the words "Organization of African Unity";

(b) In operative paragraph 12, the words "who have not committed crimes against humanity" were inserted after the words "unconditional release of all persons".

22. Also at the same meeting, following statements by the representatives of Barbados, Ghana, the Russian Federation, the United States of America, Algeria,

---

3/ Resolution 217 A (II).

India, Senegal, Pakistan, Mauritania and Cuba (see A/C.3/49/SR.22), the Committee decided to defer action on the draft resolution, as further revised, to a later date.

23. At the 35th meeting, on 17 November, the Committee had before it a revised draft resolution (A/C.3/49/L.7/Rev.1) submitted by the sponsors of draft resolution A/C.3/49/L.7, which incorporated the revisions made at the 22nd meeting by the representatives of Ghana and the Russian Federation.

24. At the 35th meeting, on 17 November, the Committee adopted revised draft resolution A/C.3/49/L.7/Rev.1 by a recorded vote of 101 to 4, with 49 abstentions (see para. 25, draft resolution IV). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Samoa, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: France, Israel, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Fiji, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, Uruguay, Uzbekistan.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

25. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, 4/ as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its thirty-sixth, 5/ thirty-seventh, 6/ thirty-eighth, 7/

4/ Resolution 2200 A (XXI), annex.

5/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

6/ Ibid., 1981, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

7/ Ibid., 1982, Supplement No. 2 and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

thirty-ninth, 8/ fortieth, 9/ forty-first, 10/ forty-second, 11/ forty-third, 12/ forty-fourth, 13/ forty-fifth, 14/ forty-sixth, 15/ forty-seventh, 16/ forty-eighth, 17/ forty-ninth 18/ and fiftieth sessions, 19/

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990, 46/88 of 16 December 1991, 47/83 of 16 December 1992 and 48/93 of 20 December 1993,

Taking note of the report of the Secretary-General on the right of peoples to self-determination, 20/

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

8/ Ibid., 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

9/ Ibid., 1984, Supplement No. 4 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

10/ Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

11/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

12/ Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

13/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

14/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

15/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

16/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

17/ Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

18/ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

19/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

20/ A/49/402 and Add.1.

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this question to the General Assembly at its fiftieth session under the item entitled "Right of peoples to self-determination".

DRAFT RESOLUTION II

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in its Charter,

Recalling the International Covenants on Human Rights, 21/ the Universal Declaration of Human Rights, 22/ the Declaration on the Granting of Independence to Colonial Countries and Peoples, 23/ as well as the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, 24/

21/ Resolution 2200 A (XXI), annex.

22/ Resolution 217 A (III).

23/ Resolution 1514 (XV).

24/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

Taking note of the progress made in the Middle East peace process, in particular the mutual recognition and the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993 by the Government of the State of Israel and the Palestine Liberation Organization, 25/ as well as the ensuing developments on the ground,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. Reaffirms the right of the Palestinian people to self-determination;

2. Expresses the hope that the Palestinian people may soon exercise their right to self-determination in the current peace process;

3. Urges all States, specialized agencies and organizations of the United Nations system to continue to support the Palestinian people in their quest for self-determination.

DRAFT RESOLUTION III

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 48/92 of 20 December 1993 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Urging strict respect for the principle of the non-use or threat of the use of force in international relations, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 26/

Recognizing that mercenaries are used for activities that violate those Principles,

Concerned about the menace that the activities of mercenaries represent for all States, particularly African and other developing States,

---

25/ A/48/486-S/26560, annex.

26/ Resolution 2625 (XXV), annex.

Alarmed at the continued international criminal activities of mercenaries in collusion with drug traffickers,

Recalling all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Deeply concerned about the loss of life, the substantial damage to property and the short- and long-term negative effects on the economy of affected countries resulting from mercenary aggression,

Convinced that it is necessary to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries 27/ and in particular the concern expressed therein at the continuation of mercenary-related activities despite General Assembly resolution 48/92;

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure by legislative measures that their territory and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries or for the planning of activities designed to destabilize or overthrow the Government of any State or threaten the territorial integrity of sovereign States, and to fight the national liberation movements struggling against colonial domination and foreign intervention or occupation;

4. Calls upon all States that have not yet done so to consider taking early action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; 28/

5. Urges all States to cooperate with the Special Rapporteur in the fulfilment of his mandate;

6. Once again requests the Centre for Human Rights of the Secretariat, as a matter of priority, to put more effort into publicizing the adverse effects of

---

27/ A/49/362.

28/ Resolution 44/34, annex.

mercenary activities, to render advisory services to States that are experiencing the consequences of mercenary activities and to consider, within existing resources, working meetings to analyse and consider the political and legal aspects of the recommendations contained in the report of the Special Rapporteur;

7. Requests the Special Rapporteur to report with specific recommendations to the General Assembly at its fiftieth session on the new elements identified in the use of mercenaries.

DRAFT RESOLUTION IV

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights

The General Assembly,

Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Reaffirming the obligation of Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

Recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, 29/

Reaffirming the national unity and territorial integrity of the Comoros,

1. Calls upon all States to implement fully and faithfully all the relevant resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

2. Reaffirms the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as a condition for the full enjoyment of all human rights;

3. Calls upon those Governments which do not recognize the right to self-determination and independence of all peoples still under colonial domination, alien subjugation and foreign occupation to do so;

29/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

4. Fully supports the Secretary-General in his efforts to implement the plan for the settlement of the question of Western Sahara by organizing, in cooperation with the Organization of African Unity and in accordance with relevant Security Council resolutions, a referendum for the self-determination of the people of Western Sahara;

5. Notes the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the problem of the integration of the Comorian island of Mayotte into the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on the question;

6. Strongly condemns the continued violation of the human rights of the peoples still under colonial domination and alien subjugation;

7. Calls for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism and racial discrimination;

8. Demands the immediate and unconditional release of all persons who have not committed crimes against humanity and who are detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights, 30/ under the terms of which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

9. Expresses its appreciation for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and other intergovernmental organizations, and calls for a substantial increase in that assistance;

10. Urges all States, the specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial and foreign domination in their just struggle for self-determination and independence;

11. Decides to consider this question at its fiftieth session under the item entitled "Right of peoples to self-determination".

30/ Resolution 217 A (III).